

### **REMARKS**

Claims 1-10 and 13-20 have been examined. Claims 1 and 13 have been amended. Claims 4 and 6 have been canceled.

#### **Claim Rejections - 35 USC 103**

Claims 1-7, 10, 13-18 and 20 have been rejected under 35 USC 103 as being unpatentable over Duncan in view of Burkinshaw. This rejection is respectfully traversed.

To establish a prima facie case of obviousness, the cited references must teach all of the claim limitations. As pending, Duncan fails to teach at least the following limitations:

1. A single femoral component that resurfaces the entire distal femur.
2. A single femoral component that lacks protrusions.
3. A femoral component made of a one-piece construction.
4. A single femoral component made entirely of antibiotic impregnated material

without additional metal implantations, runners, protrusions or the like and which does not protrude into the femoral bone to acquire fixation to that bone.

5. A tibial component having a tray with a central stem.

While the office action attempts to cure this by relying on the Burkinshaw patent, Burkinshaw still does not teach all claim limitations. For example, Burkinshaw does not teach a femoral component with a back surface which lacks protrusions. As such, the Burkinshaw component could not be temporarily contacted with the femur as claimed in claim 1. Additionally neither Duncan or Burkinshaw teach intraoperative fabrication of a one material, one piece femoral component with a smooth back which interfaces with the femoral bone.

Perhaps more important, Burkinshaw fails to describe a process where the femoral component could be manufactured in the operating room, much less a process where the back surface of the femoral component is smooth.

Hence, in order to expedite prosecution, claim 1 has been amended to include the limitations of claims 4 and 6 along with features generally illustrated in Fig. 9. Both Duncan and

Burkinshaw fail to teach producing such a femoral component at the time the surgical site is accessed. Both also fail to teach such a U-shaped back cavity and a straight edge to smooth the back surface of the femoral component. As such, claims 2, 3, 5, 7 and 10 are distinguishable and in condition for allowance.

Independent claim 13 is distinguishable without amendment for claiming that the femoral component is manufactured while the surgical site is accessed. However, in order to expedite prosecution, claim 13 has been amended in a similar manner and is also distinguishable and in condition for allowance along with dependent claims 14-18 and 20.

Claims 8, 9 and 19 have been rejected under 35 USC 103 as being unpatentable in view of Duncan, Burkinshaw and Shaffner. These claims dependent from independent claims which are distinguishable over Duncan and Burkinshaw. Since Shaffner also fails to teach such limitations, claims 8, 9 and 19 are also distinguishable and in condition for allowance.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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